

Falls Church, Virginia 22041

File: D2005-015¹

Date: August 1, 2006

In re: ANTONIO REYES-VIDAL, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

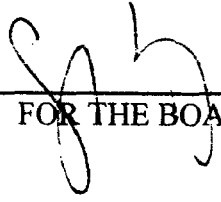
PER CURIAM. On October 20, 2005, the Office of General Counsel for the Executive Office for Immigration Review filed a Notice of Intent to Discipline concerning the respondent. The Office of General Counsel sought the respondent's suspension from practice before the Board of Immigration Appeals and the Immigration Courts, for a period of 6 months. On October 28, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that we extend that discipline to practice before it as well.

The respondent requested a hearing on the matter before an Immigration Judge. On February 7, 2006, the parties entered into a consent order whereby the respondent accepted a 90-day suspension from practice before the Board, the Immigration Courts, and the DHS, effective April 1, 2006. The parties agreed that the Office of General Counsel had met its burden of proof as to certain counts in the Notice of Intent to Discipline, by showing that the respondent violated 8 C.F.R. § 1003.102(l), by failing to appear for 4 scheduled hearing in a timely manner without good cause, and noted the aggravating factor that the respondent had been earlier suspended from practice before the Board, the Immigration Courts, and the DHS in 2000, due to then being suspended from the State Bar of Texas for 84 months, including 24 months of active suspension and 60 months of probation. The parties further agreed that the respondent could file a motion for reinstatement as soon as the suspension period expired, and that the Office of General Counsel would not oppose this motion as long as the respondent met the definition of attorney under 8 C.F.R. § 1001.1(f).

The respondent moves that we reinstate him to practice before the Board, the Immigration Courts, and the DHS. The Office of General Counsel does not oppose the petition for reinstatement, observing that it has determined that the respondent is a member in good standing of the State Bar of Texas, and appropriate discipline has been effected.

¹We note that another file number, D2005-059, was also assigned to the respondent. Matters relating to that file number were consolidated into the Notice of Intent to Discipline that was filed in case number D2005-015.

Given that the respondent's motion is unopposed, we find that the respondent should be and hereby is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order. Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn. If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD